

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED for  
RHE  
MAY 10 2005

JOHN F. CORCORAN, CLERK  
BY: H McDonald  
DEPUTY CLERK

TERENCE DE'SHAY CLEMENTS,	)	
#314338,	)	
Petitioner,	)	Civil Action No.7:05cv00153
	)	
v.	)	
	)	
COMMONWEALTH OF VIRGINIA,	)	By: Jackson L. Kiser
Respondent.	)	Senior U.S. District Judge

**ORDER**

By order entered April 19, 2005, the court dismissed this action finding that plaintiff had submitted his petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 outside the statute of limitations imposed by § 2244(d). Plaintiff has filed what the court will now construe as objections to this dismissal and submitted a motion to reconsider the court's order dismissing his case. Upon review of the record, the court finds that plaintiff has presented evidence that his petition may be timely. Finding good cause, pursuant to Lewis v. Richmond City Police Depot, 947 F.2d 733 (4th Cir. 1991), the court will reinstate the case to the active docket. Accordingly, it is now

**ORDERED**

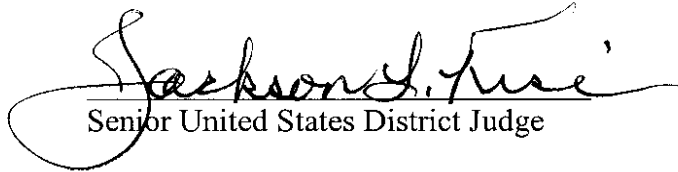
as follows:

- (1) The plaintiff's motion to reconsider is **GRANTED** and this action is hereby **REINSTATED** to the active docket of the court.
- (2) The Clerk shall accomplish service of this case by certifying a copy of the petition to the Office of the Attorney General, Commonwealth of Virginia, 900 East Main Street, Richmond, Virginia 23219, and to the petitioner, with a certified copy of this Order.
- (3) The respondent shall file responsive pleadings within thirty (30) days of receipt of service;

- (4) Following the filing of responsive pleadings, petitioner shall be provided twenty (20) days in which to file petitioner's response and/or additional pleadings. Unless petitioner or respondent explicitly requests additional time for additional filings, the case will be considered ripe for disposition twenty (20) days after filing of respondent's responsive pleadings;
- (5) The respondent will treat this Order as a request that the records and transcripts (or copies thereof) in the state habeas corpus proceeding and the original criminal trial and appeal proceedings, if deemed pertinent and if available, be forwarded to this Court for examination, with the assurance that the said court records and transcripts will be returned to the Clerk's Office of the said state court upon the final determination of the federal proceedings; and

A copy of the petition herein shall be certified to the Office of the Attorney General, Commonwealth of Virginia, 900 East Main Street, Richmond, Virginia 23219, and to the petitioner, with a certified copy of this Order.

ENTER: This 10<sup>th</sup> day of May, 2005.

  
Senior United States District Judge